REGULAR
COUNCIL MEETING
May 16, 1988

The regular meeting of the Elkton Town Council was held May 16, 1988 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: B. B. Holt, H. W. Leap, H. A. Leet, L. C. Life and R. L. Snow. R. E. Davis was absent. Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present. Mr. Davenport was absent.

The following people spoke in opposition to the request by Perry Baugher to subdivide Lot "H", located on the corner of Prospect Avenue and Sixth Street, into Lot "H" and Lot "H1": Bobby Shifflett, Allen Beasley, Carroll Campbell, Thomas Hines, Densel Lucas and Diane Johnson. The main objections were that to divide the 100 foot lot into two 50 foot lots to build two houses would put the houses too close together, all the other houses in that area are on 100 foot lots and they feel this would degrade their property.

Mr. Elden K. Walter, President of Senior Living Management, Inc., was present. Senior Homestead, Inc. purchased the Elkton Manor from Freda Tschiniak in April. Their contract with Mrs. Tschiniak provided that the zoning was appropriate and it was her responsibility to assure this. Mr. Walter stated he was surprised to discover that the home is not zoned for its use. He requested council grant a continuance of the special use permit for the operation of the home for the elderly known as Elkton Manor located at 516 Spotswood Trail. Mr. Walter reported that they will be beautifying and enhancing the quality of the home, both interior and exterior, and it is their commitment to operate a first class senior care home in Elkton. Mr. Walter answered questions from council concerning their plans for the home.

Mr. Monger stated he feels this should be reviewed by the town attorney before any action is taken.

Mayor Dean instructed Mr. Walter to continue to operate as usual and council will get back with him on what, if anything, needs to be done.

Mr. Harvey Nicholson, who will be managing the Elkton Manor, was also present. He stated he is looking forward to living and working in Elkton.

Councilwoman L. C. Life moved, seconded by Councilman H. W. Leap and carried to approve the minutes of the regular meeting April 18, 1988 as presented.

Mr. Monger reported that the well went out last week and a new pump and motor had to be installed. The well was back in operation in two days. Mr. Monger expressed appreciation to the maintenance men, Burner Well Drilling, Stewart's Machine Shop, Matt Simmerman, Mayor Dean, Councilman Leet, the office personnel and the police department.

Mr. Monger reported that they have started the sewer line replacement from the triangle down to the railroad tracks. The water leak was repaired and a new manhole was installed.

Chief Pence reviewed the monthly police report. He reported that there are certain properties in town that are a hazard and are not being maintained to the standard they should be. He has approached the owners on numerous occasions and tried to cooperate with them. Mr. Monger hasprovided some assistance also. Chief Pence feels it is now to the point some action is going to have to be taken. He plans to contact the owners

one more time between now and the next council meeting and if they do not make some effort to correct the situation he will have to bring it before council at the next meeting.

Councilman R. L. Snow moved, seconded by Councilwoman L. C. Life and carried to approve the Finance Report for the month of April.

Mr. Monger stated he has not billed the County for the water project. The bill is ready but the Water and Sewer Committee is making a request to the County for the full amount set aside by the County for the project so we can do some more work.

Councilman Leap reported that he had received a complaint by Mr. James Failes on Jackson Avenue regarding a neighbor not being in compliance with the town ordinances on a fence. Mr. Monger is checking into this with the town attorney.

Councilwoman Life reported that the paving has been completed in Elkwood and on Sixth Street to Washington Avenue. She stated that the Clean-Up advertisement was real good and clean-up is this week. The Maintenance Department will pick up whatever is put out this week. EPIC did a good job on their Clean-Up Day. They have reported that a trash receptacle is needed on Blue and Gold Drive.

Councilwoman Life reported that she and several others had a preview of the new Fire Company's Activity Building on Friday. They are having an Open House Sunday from 1:00 to 6:00 P.M.

Councilman Leet reported that the connections across the river have been worked out. The County has notified the five people to go ahead and hookup.

Mr. Monger stated that anyone who wants a connection in that area will call the County and request permission for a hookup, pay the County and the County will send a letter to the Town saying it is okay. The Town will then see that they are hooked up.

Councilman Holt reported that the Elkton Planning Commission held a Public Hearing Thursday, May 12, 1988 on Perry Baugher's request to subdivide Lot "H" into Lot "H" and Lot "H1" on Prospect Avenue. The Planning Commission made the following recommendation:

> "It is the recommendation of the Elkton Planning Commission to the Elkton Town Council that the request by Perry Baugher to subdivide Lot "H" making two lots, Lot "H" and Lot "H1" be granted. Also, please note this recommendation is made with reservation because of the lot size change from 100 ft. to 50 ft. for this street."

Councilman Holt stated he was not at the hearing but it is his understanding that the feeling was that they had no legal authority to deny that request. Mr. Calvin Shaffer, Secretary of the Planning Commission, stated the neighborhood is set up where the lots are 100 feet and their reservations was due to the request for subdivision which would result in two 50 foot lots.

Mr. Monger reported that the request is legal as far as the Subdivision Ordinance is concerned.

Councilman Holt stated this area is zoned B-2, not residential so there is no saving grace as to what he can put in this area legally. There was considerable discussion regarding this request, possible rezoning of the area and delaying action for further study.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap to delay action on the request by Mr. Perry Baugher to

subdivide Lot "H" on Prospect Avenue until such time as council has proper legal advice. The vote was recorded as follows:

Holt	- yea	Life	- yea
Leap	- yea	Snow	- yea
Leet	- yea		

Councilman Holt reported that Mr. G. W. Berry has come to him and pointed out that in the case of Carl Schumacher's apartment building on the corner lot on Morgan Avenue, there is still a vacant lot there and according to the Zoning Ordinance he can put a triplex on this lot. Councilman Holt does not feel this was council's intention. However, if you look at the ordinance it only said apartments on corner lots and that is what council deleted. There was some discussion regarding ways to correct this situation or temporary action which could be taken until the new zoning ordinances are completed.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life to approve the First Reading to amend the Zoning Ordinance to eliminate Subparagraph 2 of Section 4 of the Zoning Ordinance which reads, "single detached residence for not more than three (3) families or three housekeeping units", and Subparagraph 3 of Section 4 which reads, "duplex residence". The vote was recorded as follows:

Holt	- yea	Life	- yea
Leap	- yea	Snow	- nay
Leet	- yea		

Councilman B. B. Holt moved, seconded by Councilman H. A. Leet and carried to go into Executive Session to discuss personnel matters.

Councilman B. B. Holt moved, seconded by Councilwoman L. C. Life and carried to go from Executive Session back into Regular Session.

Councilman B. B. Holt moved, seconded by Councilman H. A. Leet and carried to employ Robert Lowry as a police officer effective June 1, 1988 at a salary of $12,000.00. The vote was recorded as follows:

Holt	- yea	Life	- yea
Leap	- yea	Snow	- yea
Leet	- yea		

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk